

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

TOM GILLENWATER
R&F

OFFICE OF
MANAGING DIRECTOR

February 4, 2005

Client DUE DATE: 3/4/05

Tom Gillenwater
President
Paradise Broadcasting Inc.
16052 Beach Blvd.
Suite 263-N
Huntington Beach, CA 92647

Re: KTHO(AM)-590
Request for Waiver of FY 2003 Regulatory Fee
Fee Control No. 00000RROG-05-019

Dear Mr. Gillenwater:

This is in response to your request dated October 25, 2004, filed on behalf of Paradise Broadcasting Inc., KTHO(AM)-590, for a waiver of the fiscal year (FY) 2003 regulatory fee. Our records reflect that you have not paid the FY 2003 regulatory fee.

In your request, you state that you "thought we had a waiver for this fee, [but] the waiver only applies to 2002." You state that you are "more than willing to pay this, but would request a payment plan."

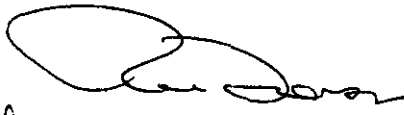
The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby. *See* 47 U.S.C. §159(d); 47 C.F.R. §1.1166; *see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs). The Commission will waive, reduce or defer its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship. *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *on recon.*, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting

information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12761-12762.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for relief in the instant request for deferment of the regulatory fee. Therefore, your request for deferral is denied. Payment of the FY 2003 regulatory fee in the amount of \$1,925.00, plus a late charge penalty of \$481.25 for late payment of the regulatory fee is now due.¹ The regulatory fee and the late charge penalty (i.e., \$2,406.25) should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, insofar as you may be relying on financial hardship, in lieu of payment, you may refile the request for relief together with appropriate supporting documentation and a request to further defer payment of the fee, within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure

¹ The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.



*20 dg letter
Assn: Resina
30 dg tickler*

Andrew Fishel
Managing Director
OMD
Federal Communications Commission
445 12th St.
Washington D.C. 20554

October 25, 2004

Dear Mr. Fishel,

I am writing to request a payment plan for the 2003 Regulatory Fee. As mentioned in a previous email to Mr. Reger, I thought we had a waiver for this fee, the waiver only applies to 2002. I am more than willing to pay this, but would request a payment plan. Please let me know at your earliest convenience if this request can be accommodated.
Sincerely,

Tom Gillenwater, President
Paradise Broadcasting Inc.
Facility ID 51528

DEC 27 2004